

# NEW JERSEY MILITIA NEWSLETTER

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*All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.*

-- Article 1, Section 1, New Jersey State Constitution

## **Can Soldiers Be Peace Officers?**

### **The Waco Disaster and the Militarization of Law Enforcement**

By David B. Kopel and Paul M. Blackman

Excerpt IV

#### **Military Support for BATF**

##### **C. Machine Pistols**

More fundamentally, BATF's claim that it went into the Mount Carmel Center underarmed is ludicrous. Ten agents were carrying AR-15 semiautomatic rifles. This rifle, whose rounds can certainly penetrate walls, has been described by the BATF itself as an extremely powerful "assault weapon" primarily useful for mass murder. (Authors: We do not agree with this characterization of the semiautomatic rifle, or of any other so-called "assault weapons." The point is that BATF, while claiming to be only lightly armed, was using ten rifles described by BATF officials as extremely powerful mass murder weapons.)

The majority of agents, though, were armed with Heckler & Koch MP-5 machine pistols. (A machine pistol is a machine gun that is also a pistol (as opposed to a rifle). Such weapons are also called submachine guns. The government sometimes defines things differently for government and private use. At the trial of the Davidians, agents frequently testified that the MP-5 was a semi-automatic firearm even though it can fire a two-round burst, which would make it a machinegun under federal law.) These weapons are sold almost exclusively to the military and police. The advertising to civilian law enforcement conveys the message that by owning the weapon, the civilian officer will be the equivalent of a member of an elite military strike force, such as the Navy SEALs. The ad copy links civilian law enforcement to military combat, with lines like "From the Gulf War to the Drug War." As one criminologist notes, "The MP-5 series is the pride and the staple of police tactical operations units, and it holds a central place in the paramilitary police subculture. Its imposing, futuristic style

overshadows its utility as a superior 'urban warfare' weapon." (Peter B. Kraska, "Enjoying Militarism: Political/Personal Dilemmas in Studying U.S. Police Paramilitary Units", 13 *Justice Q.* (Sept. 1996)).

Functionally, the MP-5 is a perfectly fine weapon. But when law enforcement agencies are procuring weapons, they need to consider not only their mechanical characteristics, but also how officers in the field will use them. When a weapon's advertising and styling deliberately blur the line between warfare and law enforcement, it is not unreasonable to expect that some officers--especially when under stress--will start behaving as if they were in the military. That is precisely what happened when the BATF agents began firing indiscriminately into the building. (At the trial, Texas Rangers testified that they found forty used shell casings (in the same caliber as the BATF weapons) more than 300 yards from the house. "Much Evidence and Conflict in Branch Davidians' Trial", *N.Y. Times*, Jan. 17, 1994. Agent Timothy Gaborie testified that he fired twenty-five to thirty shots in the direction of the house, without looking where he was shooting. "Lift for Defense in Cultists' Trial", *N.Y. Times*, Jan. 30, 1994).

No one will ever be certain whether more agents might have obeyed BATF training and the law--to fire only at visible targets who pose a threat--if the agents had been armed with other weapons. But it is hardly likely that Heckler & Koch's militaristic marketing of the MP-5 helped promote responsible law enforcement behavior at Waco. As the Waco disaster illustrates, there are profound dangers to allowing domestic law enforcement agencies to acquire weapons of war.

## **IV. The Waco Siege and the Hostage Rescue Team**

After the Branch Davidians repelled the BATF raid on February 28, 1993, the FBI was called into Waco to add professionalism to a law-enforcement disaster. While there were over 600 FBI employees at Waco, two groups were most important: the negotiators, and the hostage rescue team. (To be precise, there were 668 from the FBI, 136 from BATF, 6 from Customs, 15 from the Army, 131 from the Texas Department of Public Safety Patrol; 13 from the Texas National Guard, and 31 from Texas Rangers. Carol Moore, *The Davidian Massacre* 223 (1995)).

The negotiating team, with the support of FBI psychological and research staff, conducted telephone negotiations with the Branch Davidians. The FBI Hostage Rescue Team (HRT) took control of the perimeter of the 77-acre Branch Davidian ranch. As it turned out, the militaristic Hostage Rescue Team repeatedly sabotaged the progress being made by the negotiators.

The Hostage Rescue Team was originally created to rescue Americans abroad who were being held hostage by terrorists. The HRT is trained by Delta Force, the U.S. Army's counter-terrorism squad. But the HRT has frequently been deployed not to rescue hostages in other countries, or even in the United States, but instead as some kind of special force to deal with particularly troublesome domestic criminals. This deployment--at Ruby Ridge, Waco, and elsewhere--has led to predictably disastrous consequences. A team trained to rescue hostages being held by foreign terrorists is an elite strike force. They must attack rapidly, neutralize the terrorists (i.e. kill them),

and extricate the hostages. Rather than shooting only when clearly necessary to prevent harm to an innocent, a hostage rescue team must neutralize the terrorists at the first opportunity, before the terrorists have an opportunity to pose an imminent threat.

Persons trained for this specific, important mission, are highly unfit for domestic law enforcement tasks, in which the objective is to capture suspected criminals (not kill them), to minimize the use of force, and to act with a scrupulous regard for the United States Constitution.

Philip Heymann, who served as deputy attorney general in the first year of the Clinton administration, has suggested that the Hostage Rescue Team only be used for rescuing hostages. The problems caused by infrequent use of the HRT are far outweighed by use of the Hostage Rescue Team in non-hostage situations. (Philip B. Heymann, "The Hostage Team is for Hostages", *Wash. Post*, Oct. 20, 1995.) Professor Heymann's suggestion should be put into the United States Code.

At Waco, the Hostage Rescue Team had no hostages to rescue. (The HRT's motto is "To save lives," but this would turn out to be a particularly cruel version of doublespeak. The hostage-holding Hostage Rescue Team was referred to by the FBI as the "tactical" component at Waco, with the other component being the negotiators. "Tactical" is the word currently used for paramilitary groups like the HRT or SWAT Teams. Members of these groups often belong to the National Tactical Officers Association. The primary meaning of "tactical" is "of or pertaining to military or naval tactics." Thus, "tactical" is a literally accurate, but lacks the frightening edge of words like "paramilitary" or "militaristic.") The HRT defined themselves as being in a "Complex Hostage Rescue Barricade Situation." ***But to the extent there were hostages at Mount Carmel, the Branch Davidians were hostage in their own home because they were afraid of what the Hostage Rescue Team and the federal government would do to them and their children.*** (Chief FBI negotiator Gary Noesner explained that the tactical forces, such as the HRT, are inclined toward the "action imperative" while the negotiators lean toward "active listening," where they try to "find ways to explain to the barricaded subject why it is in his best interest to seek a nonviolent solution." Committee Report, at 56. He went on to note: "I do not awake from nightmares or have trouble sleeping at night...because everything that I predicted would happen, did happen.")

The Hostage Rescue Team's arrogance is a well-known problem in law enforcement. As Treasury Undersecretary for Law Enforcement Ron Noble observed, "when they come into an operation, they take over, and I've been with other law enforcement officers when it happens, and it is not something that makes law enforcement

officers, who believe they're able, happy. That's just the way it is." At Waco, the HRT rapidly established bad relations with the Texas Rangers.

The HRT began with an anti-negotiation bias. Jeffrey Jamar, the Special Agent in Charge of the San Antonio FBI office, was commander of the entire operation at Waco, and of sorting out the conflicting views of the HRT and the FBI negotiation team. Jamar's immediate superior was Larry Potts, the Assistant Director of the Criminal Investigation Section. Jamar personally had no training in negotiations; he "left that to the experts." The advice of negotiators generally was ignored in favor of the HRT's position to steadily increase pressure on the Branch Davidians. This proved to be a fatal error. ("I didn't know at the time that there were conflicts between the people and the negotiators...." (testimony of Janet Reno). "Smerick notes that the FBI commanders were action oriented. They wanted to treat Koresh not as a negotiating partner, but rather as a psychotic criminal, who needed to be caught and punished." (quote read by Rep. Hyde).

One of the negotiators later noted that while sometimes negotiators and "tactical component" (the HRT or SWAT teams) agree about how to achieve success, in Waco: "...there was a fundamental strategy disagreement and what was the best way to proceed?...the negotiation team wanted to have a lower-keyed approach. The team's approach was to apply pressure. Part of that was driven by the fact that the tactical team, as Mr. Jamar indicated, was exposed to open fire. We were dealing with the most complex situation we have ever had in the United States, where there had already been a demonstrated willingness to use force.... So the need to provide them with adequate cover, to contain the situation, had an impact on conveying, perhaps, a message that Mr. Koresh did not want to hear." Testimony of Gary Noesner).

But it was not just Koresh who was upset by HRT actions. The ordinary Branch Davidians were also upset, particularly by the actions of the Bradley tanks driven by the HRT. ***Shortly after the siege had begun, former McLennan County District Attorney Vic Feazell (who had unsuccessfully prosecuted Koresh for attempted murder in 1987), noted the mobilization of military equipment. "The feds are preparing to kill them," said Feazell. "That way they can bury their mistakes."*** (Roy Bragg, "Standoff At Cult Compound/Ex-Prosecutor Laments Agents' 'Storm Trooper' Tactics", *Hous. Chron.*, Mar. 2, 1993.) It was their understanding that the original cease-fire agreement included

Davidians not threatening law enforcement with firearms in exchange for law enforcement staying off Davidian property. Instead, the tanks not only ran around the Davidian property, but damaged outbuildings and desecrated a cemetery.

The tanks frightened the children remaining at Mount Carmel Center. (Negot. Tapes, Mar. 7, 1993). One FBI explanation for the wild driving of tanks was that it was young agents' only chance to drive tanks, so they were acting a bit reckless, like kids. FBI official Larry Potts later explained, with an infelicitous choice of words, "We had to put our hostage rescue people through a crash course on learning to drive those vehicles." In response to the suggestion that the Bradley's 25mm barrels posed a threat, the FBI insisted the tanks had no barrels, just "tubes in a barrel mount." (Negot. Tapes Mar. 7, 1993). The FBI offered to remove the tanks if the Davidians agreed first to send out four women and four children, and then, once the tanks were removed, if everyone else in the compound came out. The FBI negotiators insisted there was nothing to worry about, since "nobody's going to run tanks through buildings that contain people." ***In response to the expressed concerns of Cyrus Koresh (David Koresh's oldest child, age eight) about a tank assault on the building, the FBI negotiator promised "the last thing in the world that's going to happen is for the government to take any type of offensive action here. It's just not going to happen. You know, we don't hurt babies, you know, we don't hurt women, we don't do those types of things."***

HRT commander Dick Rogers later testified that the sole purpose for the Bradley Fighting Vehicles (BFVs) was agent safety; some BATF agents had been wounded by grenades, and the Branch Davidians had a pair of .50 caliber rifles. ("No Question' Fire was Set by Davidians", *Wash. Times*, Aug. 1, 1995). When Koresh told negotiators that he could destroy the nine BFVs that were originally brought on-site, the BFVs were supplemented with two M-1A1 Abrams tanks and five M278 Combat Engineering Vehicles. (Victoria Loe, "FBI'S 'A-Team' Plying Varied Skills in Sect Talks But Experts Say Obstacles Numerous", *Dal. Morn. News*, Mar. 14, 1993). While Steve Schneider complained regularly about the tanks, Koresh was more threatening, saying the Davidians would use something bigger than .50

caliber, something that could incinerate part of a tank, and then saying the Bradleys were not a concern, "that's why we haven't done nothing to them yet." Once in place, however, the tanks were used for purposes that did not seem defensive. At various times, tanks would charge at the building. One person inside the building reported that men in the vehicles were "shooting the finger at these kids." (Like BATF, the FBI made extensive use of U.S. military equipment and training. Materials supplied under the Freedom of Information Act make it clear that, unlike BATF, the FBI did not pretend Waco was a drug operation. Therefore, the Defense Department was reimbursed by the Justice Department, military equipment had military markings covered, and military personnel trained FBI personnel but did not themselves use the equipment in operations against Mount Carmel Center. In practical terms, the FBI actions appeared as militaristic as the BATF's: a tank attack looks military even if some markings are covered up, and even if the unseen driver is not a soldier. As the House Committee Report observed, "images of the tanks and other military vehicles gave the impression that the FBI was using excessive force together with military weapons and tactics against U.S. citizens, contrary to our civilian law enforcement tradition.") In at least one case agents "mooned" the Davidians. (Testimony of Clive Doyle. The mooning was condemned by negotiators as unprofessional and unacceptable, and caused by "frustration and anguish," Negot. Tapes, Mar. 7, 1993)

#### **Next month: More on The Waco Siege and the Hostage Rescue Team**

#### **"Power Kills" Press Release**

Aloha,

You might not have visited lately, if ever, the web site on democide (murder by government, such as genocide), war, and other forms of collective violence, and be aware of changes in the site. First, the University of Hawaii has changed its address from that for faculty:

<http://www2.hawaii.edu/~rummel/>

To the permanent university address:

<http://www.hawaii.edu/powerkills>

There also is a new and extensive collection of annotated photographs of democide beginning at:

<http://www.hawaii.edu/powerkills/R.M1.RINGS.OF.TEARS.HTM>

Moreover, I have made a new attempt to get visitors to intellectually and emotionally grasp the incredible amount of democide in the 20th Century--174,000,000--by visualizing it through ten experimental graphics at:

<http://www.hawaii.edu/powerkills/VI.S.TEARS.HTM>

R.J. Rummel

Professor Emeritus of Political Science, E-mail: [rummel@hawaii.edu](mailto:rummel@hawaii.edu)

Ed.: Rummel is author of *Death by Government* (1994) which documents the 20<sup>th</sup> century murder by government agents (through 1989) of 169,000,000 disarmed people.

#### **Plainclothes Marines training for urban war**

"Plainclothes Marines?" Yes - and the Marines openly admitted that they are training such units for "urban warfare" missions, such as "peacekeeping." They even bragged about the unit's skills in an Aug. 31 press release.

Plainclothes Marines" - officially named "Radio Recon" units - are being trained at Ft. Hase in Hawaii. At least a company of these Marines is now in training. Members of these units are armed with 9mm pistols as their main weapon - the same 9mm Beretta common throughout the U.S. military - and are undergoing extensive night-firing training with them. Their training, drills, and equipment seem much more like that of an American big-city police force than that of any typical Marine.

Unlike other Marines carrying the 9mm pistol, members of the "radio recon" units are training to carry them in concealment holsters - rather than the military-style flap-over holster. They are required to become proficient in fast-draw drills - for which they train at an FBI range in Hawaii. To qualify, each of the "plainclothes Marines" must draw and hit the target in two seconds including recognizing it as hostile.

These "plainclothes Marines" are being trained to be deployed with the 15th and 31st Marine Expeditionary Units. In the likely event that they aren't in uniform when fighting, "plainclothes Marines" won't be entitled to POW status if captured - according to the Geneva Convention. --

[http://www.alamanceind.com/nation/nation\\_1.html](http://www.alamanceind.com/nation/nation_1.html)

#### **Accidental Hospital Deaths Exceed Accidental Gun Deaths**

By Rep. Jim Traficant (D) Ohio

Mr. Speaker, accidental deaths caused by doctors and hospitals in America reached 120,000 per year. Meanwhile, gun deaths have dropped 35 percent. In fact, accidental gun deaths dropped to 1,500 last year.

Think about it. We have got hospitals slicing and dicing American people like Freddie Kruger, and Congress is passing more gun laws. Beam me up. There is something wrong in America when one is 80 times more likely to be killed by a doctor than Smith & Wesson. Think about it, 80 to 1. Maybe we need a gun in surgery.

I yield back the fact that the second amendment was not written to cover just duck hunters.

#### **Justice Department: Individual Americans have No Right to Keep and Bear Arms!**

U. S. Department of Justice  
Office of the Solicitor

General

Washington, D.C. 20530  
August 22, 2000

Dear Mr. (Name Deleted):

Thank you for your letter dated August 11, 2000, in which you question certain statements you understand to have been made by an attorney for the United States during oral argument before the Fifth Circuit in *United States v. Emerson*. Your letter states that the attorney indicated that the United States believes "that it could 'take guns away from the public,' and 'restrict ownership of rifles, pistols and shotguns from all people.'" You ask whether the response of the attorney for the United States accurately reflects the position of the Department of Justice and whether it is indeed the government's position "that the Second Amendment of the Constitution does not extend to the people as an individual right."

I was not present at the oral argument you reference, and I have been informed that the court of appeals will not make the transcript or tape of the argument available to the public (or to the Department of Justice). I am informed, however, that counsel for the United States in *United States v. Emerson*, Assistant United States Attorney William Mateja, did indeed take the position that the Second Amendment does not extend an individual right to keep and bear arms.

That position is consistent with the view of the Amendment taken both by the federal appellate courts and successive Administrations. More specifically, the Supreme Court and eight United States Courts of Appeals have considered the scope of the Second Amendment and have uniformly rejected arguments that it extends firearms rights to individuals independent of the collective need to ensure a well-regulated militia. See *United States v. Miller*, 307 U.S. 174 (1939) (the "obvious purpose" of the Second Amendment was to effectuate Congress's power to "call forth the Militia to execute the Laws of the Union," not to provide an individual right to bear arms contrary to federal law"); *Cases v. United States*, 131 F.2d 916, 921 (1st Cir. 1942) ("The right to

keep and bear arms is not a right conferred upon the people by the federal constitution."); *Eckert v. City of Philadelphia*, 477 F.2d 610 (3rd Cir. 1973) ("It must be remembered that the right to keep and bear arms is not a right given by the United States Constitution."); *United States v. Johnson*, 497 F.2d 548, 550 (4<sup>th</sup> Cir. 1974); *United States v. Warin*, 530 F.2d 103, 106-07 (6th Cir. 1976) ("We conclude that the defendant has no private right to keep and bear arms under the Second Amendment."); *Stevens v. United States*, 440 F.2d 144, 149 (6th Cir. 1971) ("There can be no serious claim to any express constitutional right of an individual to possess a firearm."); *Ouilici v. Village of Morton Grove*, 695 F.2d 261, 270 (7th Cir. 1982) ("The right to keep and bear handguns is not guaranteed by the second amendment."); *United States v. Hale*, 978 F.2d 1016, 1019 (8th Cir. 1992) ("The rule emerging from *Miller* is that, absent a showing that the possession of a certain weapon has some relationship to the preservation or efficiency of regulated militia, the Second Amendment does not guarantee the right to possess the weapon."); *United States v. Tomlin*, 454 F.2d 176 (9th Cir. 1972); *United States v. Swinton*, 521 F.2d 1255, 1259 (10th Cir. 1975) ("There is no absolute constitutional right of an individual to possess a firearm.").

Thus, rather than holding that the Second Amendment protects individual firearms rights, these courts have uniformly held that it precludes only federal attempts to disarm, abolish, or disable the ability to call up the organized state militia. Similarly, almost three decades ago, the Department of Justice's Office of Legal Counsel explained:

The language of the Second Amendment, when it was first presented to the Congress, makes it quite clear that it was the right of the States to maintain a militia that was being preserved, not the rights of an individual to own a gun.[and] [there is no indication that Congress altered its purpose to protect state militias, not individual gun ownership [upon consideration of the Amendment] . . . . Courts have viewed the Second Amendment as limited to the militia and have held that it does not create a personal right to own or use a gun . . . . In light of the constitutional history, it must be considered as settled that there is no personal constitutional right, under the Second Amendment, to own or to use a gun.

Letter from Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, to George Bush, Chairman, Republican National Committee (July 19, 1973) (citing, inter alia, *Presser v. Illinois*, 116 U.S. 252 (1886), and *United States v. Miller*, 307 U.S. 174 (1939)). See also, e.g., Federal Firearms Act, Hearings before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate 41 (1965) (Statement of Attorney General Katzenbach) ("With respect to the second amendment, the Supreme Court of the United States long ago

made it clear that the amendment did not guarantee to any individuals the right to bear arms.").

I hope this answers your question. Thank you again for writing.

Yours sincerely,  
Seth P. Waxman

Ed.: We'll deal with the other cases cited by Mr. Waxman in future issues, but here's what the court actually said in *Miller*: "In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than eighteen inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense." In other words because the court was not made aware that shotguns were used extensively by the U.S. army in trench fighting during World War I they would not say that they were "part of the ordinary military equipment". Obviously short-barreled shotguns have more than "some reasonable relationship" to the militia and are therefore not only protected by the Second Amendment but can be borne by militiamen and women, though only at their peril at this time.

Interestingly it has finally been revealed that the FBI does not use the standard 20-inch barrel M-16 rifle. Members of its "Hostage Rescue Team" who were at Waco carried a version with a 14-inch barrel.

It is clear that Americans could someday need a 'shotgun having a barrel of less than eighteen inches in length' in order to protect themselves from the tyrant's jack boot thugs.

### **Reno Press Release Praises Waxman**

WASHINGTON, D.C. "[Seth P. Waxman] has done a marvelous job on many difficult assignments," said Attorney General Janet Reno upon his appointment to Deputy Solicitor General.

Waxman is a 1973 summa cum laude graduate of Harvard College and a 1977 graduate of the Yale Law School, where he was managing editor of the *Yale Law Journal*.

Ed: Didn't Hillary and Bill Clinton graduate from Yale Law School? What do they teach up there anyway?

### **NZ kids get 'licence' to play with toy guns**

Children as young as four in New Zealand are being required to apply for "licences" for toy guns.

The scheme was launched at Tahunanui kindergarten in Nelson, South Island, and is spreading rapidly.

Children must answer questions and learn rules before they can play gun games. Card licences must then be carried.

"They have to tell us the rules of guns and the first rule is that you never point a gun at anybody," said Helen Durbridge, the head teacher.

Applicants for a licence must say why they want one. Those who say they want to shoot endangered animals are told why this must not be done.

Youngsters who want to play cops and robbers are told that New Zealand police are usually unarmed, so shooting is forbidden. But children who want to put down a seriously injured pretend horse, or hunt possums - seen as a pest - may be granted a licence.

New Zealand has a high level of gun ownership because of its rural lifestyle.

But a series of mass murders during the past decade, and incidents in which police have shot criminals, have heightened public awareness of the dangers.

Police have given the scheme their tacit approval. -- London *Daily Telegraph*

### **Snatching defeat from the jaws of victory Gun Owners of America Seeks "Unity"**

By Vin Suprynowicz

America's mainstream media reveal their rabid anti-self-defense prejudice by characterizing the National Rifle Association as a wild-eyed group of no-compromise, gun-rights extremists.

Nothing could be further from the truth.

The NRA endorsed the original federal handgun control bill of the 1930s; the 1968 Gun Control Act; and the Brady Bill with its waiting periods and now its so-called "instant check" national gun registration (for long guns as well as revolvers.) *NRA executives seem happy so long as they continue to collect dues and contributions from the outfit's reported 4 million dull-witted members, who apparently never tire of the siren song, "We got you a better compromise than if we hadn't been*

*here; we only bargained away a few more of your rights this year."*

Until March 16, Dennis Fusaro worked for the NRA's chief competitor in the field of Washington gun-rights lobbying, the 300,000-member Gun Owners of America, training local activists to lobby against further restrictions on the Second Amendment at the state level.

He appears to have done his job too well.

Fusaro says it was precisely his budding success with these tactics in 20-plus states that led the GOA board of directors to attempt to pull in the reins on such effective lobbying, and -- when that didn't work -- to fire him.

"Personality differences" with the chairman of the board," 73-year-old GOA founder and former California state Sen. H.L. "Bill" Richardson, led to the removal of Fusaro, said GOA executive director Larry Pratt, adding that the group will not be going "softer" on any gun issues.

"If it was just a personality difference," Fusaro responds, "why did (GOA) board members come out and say we can't lose the Republican majority in 2002; we have to get Bush re-elected? If that's our primary objective, then what can Bush and the Republicans in Congress do to us, or fail to do for us? Why should they feel obliged to do anything for gun owners?"

Cynics have long described the NRA as the "Gun Owners' Auxiliary to the Republican Party," since it often awards its "A" or "B" rating to GOP turncoats who have voted for half the gun control laws to come down the pike, endorsing them over Libertarians or other third party candidates who vow to repeal every gun law on the books.

Why? Because the third party candidate "can't win," of course, and the NRA lobbyist's real game is to "retain access" to the GOP incumbent after helping him win re-election.

Why insist on the plain language of the Second Amendment ("shall not be infringed") if the end result is fewer cocktail party invitations next year? That could make your organization appear "out of the mainstream."

*"Richardson doesn't want GOA people criticizing the NRA," Fusaro explains. "Richardson yelled at me over the phone, he said they have wonderful relations with the NRA in California; we can't have this public disunity" among the supposed gun rights' groups. "Well, hell, let's look at California," which has some of the most onerous victim disarmament laws in the country.*

*"What Richardson wants most, in my opinion, is to be part of that respectable conservative Republican establishment, and if*

*that's what you want, then they own you. You have to show them you're willing to break up the country club, you're willing to be thrown out, you're willing to be thrown into the briar patch."* -- Vin Suprynowicz (vin@lvrij.com), *Las Vegas Review-Journal*. Suprynowicz is assistant editorial page editor and author of *Send in the Waco Killers*.

## **Special Forces Soldiers Hit New Jersey Towns**

**East Brunswick, Middlesex County**  
East Brunswick residents were rocked by at least three explosions set off in a vacant building on Hartz Lane during an urban-assault drill staged by Special Forces troops from Fort Bragg, N.C.

Mayor William Neary said Army officials had arranged to conduct the drill at the former police impound building on Hartz Lane. He said the plan was to bring in eight Special Forces men on two helicopters to attack the buildings and fly away.

He said the soldiers use live explosives during the drills to blow the doors down to get in the buildings. The Army officials did not reveal the specific date for the drill, he said, because they did not want any publicity that would attract crowds and interfere with their operation. He was not aware of the drill until he received a call after it started.

Police closed off Hartz Lane while the drill, which started after 8:30 p.m., was in progress.

John McKenna, of Spruce Drive, who lives less than two blocks from the building, said he heard three loud explosions between 8:45 p.m. and 9:05 p.m. "They rocked the foundation of my house," he said.

-- *Home News Tribune*, May 10, 2001

**Exercises Continue in Middlesex Co.**  
Helicopters carrying commandos hovered over Keasbey Tuesday and Wednesday nights. When they arrived at a vacant building on Industrial Road, explosions followed. On Wednesday, explosions also shook homeowners living near Harts Lane in East Brunswick.

Movie sets for a foreign war film? No. Those were real bombs and real commandos. And some living within earshot thought the urban training drill for Army Special Forces took place a little too close to home and with no warning.

But local authorities and the Special Forces underscored the need for the inconvenience -- national security.

Also on the list for live-fire

drills are New Brunswick, Edison and parts of Union County.

When and exactly where they will occur are kept confidential. Publicity, photos and crowds would compromise both the drills and the soldiers performing them, the Army said.

Walter Sokalski Jr., a Special Forces spokesman, described those urban training drills, which take place in and around vacant buildings.

The Special Forces teams cut through fences, blow the doors off the building and, once inside, fire at secure targets that "trap" live rounds. The men are frequently flown in by small and stealthy MH-6 helicopters.

Dropping troops into an "unknown situation" is necessary for the crack response teams, he said. It was Special Forces men who went behind the lines before regular Army troops attacked during the Persian Gulf War.

"It let's us keep an edge," he said. "Middlesex and Union counties offer a unique setting. They're heavily built up. We need real-life situations for training. For us, that's no longer in the woods of Fort Bragg." Sokalski also responded to some of the complaints.

Edison police fielded 130 calls after the explosions.

East Brunswick Police Director Tom Finn, who served on a flight deck crew on aircraft carriers in the 1970s, stressed the need for cooperating with the Special Forces. "They're very swift and extremely skilled," he said. "We're trying to help them maintain that." -- *Home News Tribune*, May 11, 2001

**Wall Township, Monmouth County**  
Wall Township Police Department  
P.O. Box 1168

Wall Township, New Jersey 07719  
Dear Wall Township Resident,

On May 30, 2001 Military Units from the United States Special Operations Command will be conducting training exercises on the Camp Evans property. During these training exercises you will hear loud and/or unusual noises. Please do not be alarmed if you hear these noises as they are expected during these controlled training exercises.

The Township of Wall is aware of this training and the Wall Township Police Department is working very closely with the Military Units to ensure that the utmost in safety

*In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. -- Mark Twain*



precautions have been taken. The primary concern of the Police Department and the Military Units is the personal safety of the residents of Wall Township and their property.

The Police Department and the Military Units apologize in advance for any inconvenience this training exercise may cause. The Military will have a representative at the Wall Township Police Department between 8:00 p.m. and 10:00 p.m. the evening of the training. In event you have any further concerns regarding this training exercise please contact the Military Representative or the Wall Township Police Duty Supervisor at [732] 449-4500.

Thank you,  
Chief Roy Hall

Ed.: We hope New Jersey law enforcement would not have been so "very receptive" to military training in populated areas (as Finn told the *Star Ledger* May 11) had they been aware of Mike McNulty's video *Waco: A New Revelation*, and the role the secretive Combat Applications Group played in that disaster. Possibly our "protectors" would not have let the Special Forces soldiers who man CAG into their jurisdiction. David M. Bresnahan's *WorldNetDaily.com* article dated Jan. 13, 2000 explains:

"On April 14, 1993 government documents revealed by McNulty show that Special Forces Brig. Gen. Peter J. Shoomaker and Col. Gerald Boykin of Delta Force were brought in to the planning session. The purpose of the meeting was to convince [Attorney General] Janet Reno to authorize a final assault at Waco.

"Popularly known as Delta Force, the Combat Applications Group was established by presidential order and is actually a separate branch of the military, making it exempt from the posse comitatus (sic) laws that prohibit the military from being used as a police force domestically.

"Since CAG is technically not a part of the military as described in the posse comitatus law, that claim by the Army is true.

"In March 1993, there was a secret meeting at CIA headquarters dealing with CAG participation in the WACO operation, according to Gene Cullen, senior case officer, Special Operations Group of the CIA. Cullen was present at the meeting and was interviewed in the Waco documentary.

"McNulty obtained previously classified documents, which are shown in the documentary. Those documents clearly indicate that CAG was authorized by the Joint Chiefs of Staff to assist in the Waco operation.

"Cullen said he was ... told at least 10 were present 'to participate in any tactical operations against the Branch Davidians.'

"Cullen told McNulty that he met and spoke with CAG/Delta Force soldiers about a year after Waco, when they admitted to him that they had been actively involved in a gun battle with the Branch Davidians."

As Davidians were trapped in the building "FLIR video footage taken from Night Stalker helicopters clearly shows flashes of light in dozens of locations all around the Mt. Carmel facility.

"Dr. Edward Allard, former supervising scientist in video and television imagery at the U.S. government's night vision directorate appears extensively in the documentary. He is a video and FLIR expert.

"He examined the footage and concluded that the flashes are indeed gunfire. Some federal officials have criticized him, but no contrary evidence to refute his claims has been given.

"It's impossible for these shots that you're seeing with your own eyes to be solar reflections, because if it were so the helicopter would have to be violently moving back and forth like a mirror in your hands. This is impossible. So in our opinion it's clearly machine gun fire from the helicopter," stated Allard as he described FLIR videos taken of a helicopter.

"Anyone killed by that gunfire would have died before the fire began and would not have evidence of death from the fire.

"According to the autopsy report, Philip Henry was shot several times in the chest, shoulder, and head. Jimmy Riddle was shot once in the forehead.

"Neither of them had soot accumulation in their trachea or bronchial tubes, or carbon monoxide in their blood. Indicating they died before the fire started,' said former FBI special agent Dr. Frederic Whitehurst, known for his involvement in exposing the improper procedures at the FBI crime lab."

*Waco: A New Revelation* also documents another of CAG's (Special Forces) urban warfare techniques. In addition to blowing open doors with explosives they place shaped demolition

charges on roof tops.

This they did at Waco, where a shaped charge blew a large hole in the reinforced concrete roof of the Davidians' record vault (the so called bunker) where the women and children had sought refuge from tear gas. The blast pulverized their bodies. Oddly, the section of the roof where the blast occurred has disappeared, though McNulty does show photographic evidence of it.

So did CAG train in three New Jersey counties? The Army will deny it. They claim the Combat Applications Group is a presidential unit under the control of the Joint Chiefs of Staff. The soldiers who trained here are assigned to the Army's Special Operations Command and Army SOC has no operational control over CAG. But guess who mans CAG? Special Operations soldiers from the Army's Special Operations Command. So CAG did train here.

Ignorance is no excuse. Why did New Jersey mayors, sheriffs and police chiefs permit it?

### "Contented Militiamen"

*Star-Ledger* Editorial, May 5, 2001

There will be no tears shed here over the passing of the Northern Michigan Militia (due to a falloff in membership attributed to a new mood that developed since the election of President Bush.) Its leader Norm Olson was considered an extremist. He issued a statement criticizing both Timothy McVeigh and the federal government, which he said had driven McVeigh to the Oklahoma City bombing.

Ed.: Olson "was considered" an extremist, the Davidians were considered extremists, CAG deals with extremists, the *Star-Ledger* will shed no tears. Maybe it's time for some Army "national defense" training up in the north woods??

\* \* \*

*It is the violence which is done and threatened to our persons, the destruction of our property by armed force, the invasion of our country by fire and sword which conscientiously qualifies the use of arms. -Thomas Paine, 1776*

**NJM, P.O. Box 10176, Trenton New Jersey  
08650**

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E-Mail Contacts:

[www.njmilitia.org](http://www.njmilitia.org)  
[militia264@aol.com](mailto:militia264@aol.com)

[walnor@keepandbeararms.com](mailto:walnor@keepandbeararms.com)

Middlesex County, Art.....(732) 607-0833

Wake Co, NC, Dave..... (919) 363-9410

Morris County, Bill .....(973) 361-3241

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# The Bernhard Goetz of Trenton

He defended himself on the street and in the courtroom

by

## The Friendly Stranger

Your dog has just awakened you from deep sleep. It's about 4:00 a.m. Someone outside is yelling "I'm gonna fuck his shit up. Light it up and burn it down." The someone is the burned-out cocaine needle freak with a long record who robbed you a few hours ago, a few blocks away, outside a bar. Now he's come to your home. Now he's come to your home! What to do? Call the po-lice? Get real! This is East Trenton, where signs should read *Welcome to East Trenton Watch your money Watch your butt Keep your eyes open And your mouth shut.*

A crack house operates 24 - 7. Twenty-four hours a day, seven days a week. You're the President of the East Trenton Civic Association. At a meeting you organized, the neighborhood complained to the city's Public Safety Director. A few months later he was charged with embezzling 270,000 dollars. Two hundred and seventy thousand dollars. Call the po-lice? Yeah, right! Police Headquarters is a block away from a major dealing street. Makes it convenient to make payoffs. The only way to be sure the po-lice come is to tell them 10-13 [officer needs assistance].

Call the Fire Department? Surely they will come? Yes, they will. In the worst inner-city neighborhoods, the firefighters will come. But will they come in time? Besides your hundred year-old wood two-family home, you have a garage attached to a neighbor's home, also old wood and flammable, with elderly residents.

You grab your Rossi .38 Special. You're still sleepy and later realize you should have chosen your 12 gage pump shotgun. As you walk outside, outside your chain-link fence onto the sidewalk, you commit a felony. Your sidewalk is "public property." In the police state of New Jersey, once the Crossroads of the Revolution, We the People are prohibited from adequately defending ourselves on public property. You are not aware of this, or decide the clear and present danger overrides the law. You recall Charles Dickens: "The law is an ass, an idiot."

As you walk to your garage, the streets are empty and silent. With enough cocaine in him to kill a normal person, the needle freak creeps around a parked car. Suddenly he's a few feet away from you, brandishing the large hunting knife he had stolen earlier that night from a Canadian truckdriver. The Canadian's watch is on his wrist. The distance between you is less than the minimum tolerated by police when threatened by someone with a knife. Your shot hits the knife, knocking it out of his hand. That's Lone Ranger-caliber shooting! Not a lucky shot; you've shot competitively and practiced. The bullet ricochets into his hand. He reaches down to pick up the knife with his other hand. Oh, NO! Are you expected to shoot it out of his other hand, also? No! He had his chance. Your second shot is dead-center. As he runs away, you resist the strong temptation to empty the gun into him.

Jose Ramon Toledo Jr.'s reign of terror has ended. In a few seconds his nightmare of a life will end. Your nightmare has just begun.

Ed Hughes

POBox 1152

Ft. Lee NJ 07024

Mar 11, 2001

201-592-9458

[thefriendlystranger.com](http://thefriendlystranger.com)

[verypissedoff@hotmail.com](mailto:verypissedoff@hotmail.com)



Ladies and Gentlemen of the Federal Grand Jury:

I believe you have probable cause to indict Assistant Prosecutor Brian McCauley for violating John Caruso's civil rights in the case of State vs. Caruso Indictment No. 96-03-0305-I.

I believe Mr. McCauley lied to the Grand Jury when he told them that a permit is required to possess a handgun. A permit is required to purchase a handgun. A permit is required to carry a handgun in public. There are no laws in New Jersey requiring registration of handguns and no permit is required to possess on one's property. No such permit exists, nor has it ever existed.

I believe Mr. McCauley lied to the Grand Jury in telling them that John Caruso violated the law when he went out of his house with a handgun in his possession. Mr. Caruso was on his own property during the entire episode. He was backed into a corner when Jose Toledo attacked him with a knife. 2C:39-6(e)

Caruso was never informed that the Grand Jury would be considering the matter, and was not given the opportunity to speak in his own defense.

I believe McCauley withheld the ballistic report from the Discovery. I believe he concealed the most recent two years of the deceased's criminal and psychiatric record. He failed to inform the Grand Jury that the autopsy "Discloses gunpowder and debris in track," which contradicted the alleged witness' statement about the distance. "About thirty feet."

I believe McCauley falsified evidence when he told Caruso in a letter dated June 17, 1996 (and repeated to the judge in court on June 24, 1996) "Also enclosed please find a copy of the ballistic report you requested. As you can see, it was your weapon that was used to kill the victim in this matter." The specimen marked JMC-7 was removed from the victim's hand. The fatal bullet was never recovered. The report, Laboratory No. C2825, Agency No. 137-95042546, June 29, 1995, stated: "Compared test bullets against the bullet marked JMC-7. The results of the microscopic comparisons were inconclusive." *Inconclusive* means they did not match.

I believe McCauley and the State also violated Caruso's Right to a speedy trial. The incident occurred on May 17, 1995. Caruso was indicted on March 19, 1996 - TEN MONTHS LATER. This was after the police videotape had been erased and reused.

Evidence has disappeared, including the ice pick Caruso used to defend himself against Toledo's first attack.

Please investigate this. I am astonished that such an outrageous miscarriage of justice is taking place here in America. I am astonished that our media are ignoring *The Bernhard Goetz of Trenton\**. Perhaps I should call radio talk shows. John Caruso is a law-abiding member of society. He is employed, a homeowner, landlord, father, and president of the East Trenton Civic Association. He exercised his rights in defending himself and his property and violated no laws. (Article I, New Jersey Constitution) He should be given a medal. Indeed, when he was brought into the detective squad room, they cheered and said he should be given a medal. "Nah," said one. "We gotta charge him with *something*. How about 'Leaving garbage in the street.'" [I know. That's hearsay and inadmissible, so disregard it.] Jose Toledo, the putative victim, had a long criminal record (juvenile AND adult) and had robbed John Caruso and, later, two Canadian truckdrivers in two nearby incidents earlier that evening. Toledo was wearing the sheath and carrying the Canadian's hunting knife when he came to Caruso's home and attacked him for the second time. McCauley claimed that because the knife was not found, Caruso was not in fear for his life. If Caruso's first shot did not ricochet off the knife into Toledo's hand, how did it get so mutilated? Perhaps tests should be done on similar bullets. The autopsy described Toledo as 5' - 7", 165 pounds, well-developed and muscular. This and his drugged condition would cause any normal person to fear for their life, even if he didn't have a knife. Toledo's autopsy showed many needle marks and traces of cocaine metabolites. I believe anyone who *injects* cocaine *intravenously* is at the end of the line. It was only a question of how long until Toledo killed someone or was himself exterminated. I believe Toledo had been released from a psychiatric hospital prematurely and the State forced Caruso to be its executioner.

Please investigate this. Attached is a statement by John Caruso.

Ed Hughes

\* Good title for a book, huh?

April 17, 1997